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HOUSE BILL 2162

By Bunch

AN ACT to amend Tennessee Code Annotated, Section 36-6-306,
relative to visitation rights.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-6-306(a), is amended by deleting that subsection in its entirety and by substituting instead the following:

(a)(1) The general assembly finds that it is sound public policy to provide children with the stability and continuity of meaningful relationships in their lives. If grandparents have had a sufficient existing relationship with a child, a loss of that relationship would be a severe emotional and psychological blow to the child, and such a loss or disruption creates a rebuttable presumption of substantial danger to the welfare of the child.

(2) For purposes of this part, "substantial danger" includes, but is not limited to, a cessation of the relationship between an unmarried minor child and his or her grandparent, unless the child's parents are married and have maintained continuous

custody of the child, if cessation of the relationship is also not in the best interests of the child based upon the factors in §36-6-307(d)(2).

(3) If:

(A) Either the father or mother of an unmarried minor child is deceased;

(B) The child's father and mother are divorced, legally separated, or never married;

(C) The child's father or mother has been missing for not less than six (6) months; or

(D) The court of another state has ordered grandparent visitation; then, the parents of such deceased person or the parents of either of such divorced, separated or never married persons or the parents of the missing person may be granted reasonable visitation rights to the child during its minority by a court of competent jurisdiction upon a finding that: (i) such parents had a sufficient existing relationship with the child to raise the rebuttable presumption of substantial danger, or other substantial danger exists; and (ii) such visitation rights are in the best interests of the minor child, based on the factors in §36-6-307(d)(2).

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.